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Serial No.: 09/647,711

Request for Reconsideration dated October 19, 2006

Response to Office Action dated June 21, 2005

REMARKS

Claims 1-12 and 14 are pending in the present application. Favorable reconsideration of the application in view of the remarks set forth herein is respectfully requested.

The rejection of claims 1, 2, 5-8 and 11-12 and 14 under 35 U.S.C. §103(a) over McComb et al. (U.S. Patent No. 6,006,224, hereinafter "McComb") in view of Culliss (U.S. Patent Application Publication No. US 2003/0187837 A1) is respectfully traversed.

The Office Action acknowledges that there is no teaching or suggestion in McComb of the feature of *a search tool operable to receive a user constructed database query and search the query store for a previously constructed query that resembles said user constructed database query*. It is respectfully submitted that the claimed feature of "selecting between the user constructed query and a previously constructed database query resembling the user constructed query *located by the search tool*" likewise cannot be disclosed by McComb (i.e., if there is no teaching or suggestion of the search tool, how can there be a selection between items where one of the items is identified or selected by a search tool?). The Office Action now cites Culliss as allegedly overcoming the deficiencies of McComb. It is respectfully submitted that Culliss fails to overcome the

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fundamental deficiencies of McComb, and thus the combination fails to render the claims obvious.

In particular, Culliss is directed to a method of organizing information in which the search activity of previous users is monitored and such activity is used to organize articles for future users. Personal data about future users can be used to provide different article rankings depending on the search activity and personal data of the previous users. According to Culliss (see, e.g., Fig. 1), a first search query from a first user identifies certain articles, which are then presented to the first user. Based on various actions, for example, the selection of articles made by the first user, an index that ranks the relevancy of certain articles is updated to reflect the selections made by the first user. When the same query is received from a second user, the articles are presented to the second user in an order based on the ranking of the articles based on access by previous users. The bulk of the Culliss disclosure is directed to the manner in which the indexing, ranking and/or narrowing of search results is accomplished, not any selection between a user constructed database query and a previously constructed query resembling the user constructed query identified by a search tool.

There is no teaching or suggestion in Culliss of selecting between a previously constructed user query and a similar previously constructed database query identified by a search tool. In complete contrast, Culliss is directed to an

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indexing tool for presenting search results in order of relevancy to a user. While the indexing tool disclosed by Culliss may use a number of similar database queries and personal data characteristics to index search results, it does not disclose or suggest anywhere, the feature of selecting between a user constructed query and one located by a search tool. Moreover, according to Culliss, the indexing is accomplished based on a variety of factors, such as, for example, whether the article was displayed to a user, whether the article was selected by the user, how much time the user spent reviewing the article, etc. (see, e.g., paragraph [0015]). In short, Culliss is directed to a tool for indexing search results, *not* to selecting between alternative database queries. Even those paragraphs cited in the Office Action bear this out.

Therefore, it is respectfully submitted that Culliss fails to overcome the fundamental admitted and other deficiencies noted above with respect to McComb. Therefore, even if, *arguendo*, the combination of McComb and Culliss were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

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The rejection of claims 3, 4, 9 and 10 under 35 U.S.C. §103(a) over McComb in view of Culliss and further in view of Malloy (U.S. Patent No. 5,787,234) is respectfully traversed.

It is respectfully submitted that Malloy fails to overcome the fundamental deficiencies noted above with respect to McComb and Culliss. Therefore, even if, *arguendo*, the combination of McComb, Culliss and Malloy were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

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Should the Examiner deem that any further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

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